

Sioux Falls. In 1983, the Orpheum Theater was added to the National Register of Historic Places.

I am honored to congratulate the Sioux Falls Orpheum Theater Center on their 100th Anniversary and wish them another 100 years of success.●

#### TRIBUTE TO ADAM TIMMERMAN

● Mr. THUNE. Mr. President, today I recognize Adam Timmerman, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Adam is a graduate of Sioux Falls Lincoln High School in Sioux Falls, SD. Currently, he is attending University of Kansas, where he is majoring in environmental studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Adam for all of the fine work he has done and wish him continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1300. An act to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

H.R. 2094. An act to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

H.R. 2754. An act to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes.

The message also announced that pursuant to section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as amended by section 1601 of Public Law 111-68, and the order of the House of January 3, 2013, the Speaker appoints the following Mem-

ber on the part of the House of Representatives to the Board of Trustees of the Open World Leadership Center: Mr. MORAN of Virginia.

The message further announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of January 3, 2013, and upon the recommendation of the Minority Leader, the Speaker appoints the following individual on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a term of 4 years: Mr. Fred Hurst of Flagstaff, Arizona.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2013, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. MCDERMOTT of Washington.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR of Ohio, and Mr. HONDA of California.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. LEAHY) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1092. An act to designate the air route traffic control center located in Nashua, New Hampshire, as the "Patricia Clark Boston Air Route Traffic Control Center".

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1300. An act to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2094. An act to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements); to the Committee on Health, Education, Labor, and Pensions.

H.R. 2754. An act to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1392. A bill to promote energy savings in residential buildings and industry, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-90. A joint resolution adopted by the Legislature of the State of Utah urging the United States Congress to pass S. 336 and H.R. 684, the Marketplace Fairness Act; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 4

Whereas, the Supreme Court of the United States held in *Quill v. North Dakota*, 504 U.S. 298 (1992) that the "dormant" or "negative" Commerce Clause of the Constitution of the United States prohibits a state from requiring a retailer to collect and remit sales tax on sales to consumers in the state unless the retailer has physical presence in the state;

Whereas, the Supreme Court further held "that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve";

Whereas, the sales tax, as applied to consumer purchases, can be a transparent tax levied by state and local governments;

Whereas, the sales tax is, from the individual consumer's perspective, one of the simplest taxes imposed by state and local governments;

Whereas, a complex aspect of sales taxation, from the individual consumer's perspective, is the requirement to pay "use" tax directly to the state or locality when sales tax is not collected by the retailer;

Whereas, the electronic commerce industry needs to be left free from government interference, and any argument in favor of taxing sales on the Internet is problematic in light of constitutional provisions regarding interstate commerce and interstate compacts;

Whereas, because there are over 9,600 state and local taxing jurisdictions in the United States, each with unique and changing definitions, rules, and holidays, the sales tax is, from a remote seller's perspective, one of the most complex and costly taxes imposed by state and local governments;

Whereas, consumption taxes can be used to achieve competitiveness;

Whereas, the sales tax has been a stable source of state and local revenue and provides some level of certainty for states and localities;

Whereas, some proposed federal legislation authorizing states to require all retailers whose sales to consumers in those states exceed a minimum threshold to collect sales taxes has garnered support from some businesses and organizations;

Whereas, despite the progress states have made in simplifying state sales tax collection for remote sellers, there remain some inequities between the burden of tax collection obligations imposed upon sellers with physical presence and the burdens those same obligations would impose on remote sellers serving consumers in multiple states without physical presence;

Whereas, any federal legislation should be fair to both in-state and remote sellers, whether such legislation requires sales and use taxes to be collected on a point-of-sale or point-of-delivery basis; and

Whereas, the state of Utah has adopted or supports, and Congress is considering, the following items in federal legislation:

1. State-provided or state-certified tax collection and remittance software that is simple to implement and maintain, and paid for by states;

2. Immunity from civil lawsuits for retailers utilizing state-provided or state-certified software in tax collection and remittance;